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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/944,837 | 08/30/2001 | Vladimir Jovancevic | 194-26903-US | 3301 |
| 24923 | 7590 | 11/07/2003 | | |
| PAUL S MADAN MADAN, MOSSMAN & SRIRAM, PC 2603 AUGUSTA, SUITE 700 HOUSTON, TX 77057-1130 | | | | |
| EXAMINER HOWARD, JACQUELINE V | | | | |
| ART UNIT | | | PAPER NUMBER | |
| 1764 | | | | |

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,837

Applicant(s)

JOVANICEVIC ET AL.

Examiner

Jacqueline V. Howard

Art Unit

1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-6, 9, 10, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0173569.

The reference teaches a drag reducing composition comprising a fluid consisting of a hydrocarbon or mixtures of hydrocarbons and water to which has been added a polymer and a fatty acid soap. (note paragraph 0023 and 0025).

The above claims are deemed to be prima facie obvious in view of the reference because it teaches a composition comprising the same components, in the same amounts as applicant's claimed composition. It is not unobvious to follow the teachings of the prior art.

Claims 1 to 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perilstein (4,426,208).

Patentee teaches a hydrocarbon composition comprising a major fraction of hydrocarbons boiling in the gasoline boiling range, a minor amount of ethanol and an additive comprising from about 35% to 85% by weight of a mixture of (a) from about 5 to 95 parts of at least one polymerized unsaturated mono-carboxylic acid having from about 16 to 18 carbon atoms and (b) from about 95 to 5 parts of an aliphatic dicarboxylic acid having from 2 to about 10 carbon atoms. Tall oil dimer acid and tall oil trimer acid are specifically taught (col. 7 lines 38-45) as one of the additive mixture used

in the composition. Patentee does not teach the additive will reduce drag of the hydrocarbon.

Applicant claims a composition, which is a reduced drag fluid and a method of reducing drag. The fluid comprises a hydrocarbon fluid and a fatty acid or fatty acid derivative. The method of reducing drag of the fluid comprises adding said acid or derivative to the fluid.

It is the examiner's position that the claimed invention would not be patentable in view of Perilstein. Patentee certainly teaches a composition comprising the same components as applicant and in the same amounts (col. 8 line 40-41). Likewise, Patentee performs the same method steps as applicant, i.e. he adds the acid or derivative to the fluid. The reason he adds it does not negate the fact that he does add it and thereby performs the same steps as in the claimed process. One would also expect the resultant fluid to have reduced drag because of the presence of the fatty acid or derivative in it.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 9, 10 and 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by GB 839,112.

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Art Unit: 1764

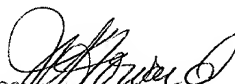
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A composition comprising a petroleum fluid and a derivative of a fatty acid is taught by the reference. The method of preparing said composition is also taught, notwithstanding intended use of the composition.

Any inquiry concerning this communication should be directed to J. V. Howard at telephone number (703) 308-2514.

J. Howard/lap

November 3, 2003


JACQUELINE V. HOWARD
PRIMARY EXAMINER
GROUP 1700